



PATENT
Attorney Docket No. 213256
Client Reference No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert D. Swain, et al.

Art Unit: 1732

Application No. 10/027,898

Examiner: Jill L. Heitbrink

Filed: October 19, 2001

For: METHOD OF DETERMINING WEAR

NOTICE OF APPEAL FROM THE
EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed November 6, 2003, rejecting the following claims: 51-161.

The items checked below are appropriate:

1. Status of Applicants

This application is on behalf of ☐ other than a small entity or ☒ a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is for: ☐ other than a small entity or ☒ a small entity.

Notice of Appeal Fee due \$165.00

| CERTIFICATE OF MAILING UNDER | | | |
|--|-----------------|------|-------------|
| I hereby certify that this Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences and all accompanying documents are being deposited with the United States Postal Service on May 3, 2004, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EV 335720045 US, addressed to: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | | | |
| Name (Print/Type) | JUDITH M. BOBER | | |
| Signature | | Date | May 3, 2004 |

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In re Appln. of Robert D. Swain, et al.
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3. Extension of Time

- ☐ Applicants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$110.00.
- ☐ An extension for one-month has already been secured and the fee paid therefor of \$110.00 is deducted from the total fee due for the total amounts of extension now requested.
- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$

4. Total Fee Due

The total fee due is:

| | |
|------------------------|----------|
| Notice of Appeal Fee | \$165.00 |
| Extension Fee (if any) | \$ 0.00 |

Total Fee Due: \$165.00

5. Fee Payment

- ☐ Attached is a check in the sum of \$.
- ☒ Charge Account No. 12-1216 the sum of \$165.00. A duplicate of this transmittal is attached.

6. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.



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Date: May 3, 2004

Appeal Notice (Revised 10/1/03)